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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,936	08/21/2003	Daisuke Shinohara	NIT-391	7378

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MATTINGLY, STANGER & MALUR, P.C.
1800 DIAGONAL ROAD, SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

SERRAO, RANODHI N

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/644,936

Applicant(s)

SHINOHARA ET AL.

Examiner

Ranodhi Serrao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 March 2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 26-33 have been considered but are moot in view of the new ground(s) of rejection.
3. The applicant argued in substance the newly added limitations of claims 26, 27, 29, and 31-33. However, the new grounds teach these and the added features. See rejections below.

Claim Rejections - 35 USC § 103

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (2003/0050966) and Schmidt (5,768,524).

7. As per claim 26, Dutta et al. teaches a computer system comprising: a management computer storing one or more first programs (see Dutta et al., ¶ 57); plurality of devices coupled to said management computer via a network and storing a second program (see Dutta et al., ¶ 40); and a first computer coupled to said management computer via the network (see Dutta et al., ¶ 57), said plurality of devices and said second program not being disclosed to said first computer (see Dutta et al., ¶ 58); wherein said management computer: stores association information related to an association between said one or more first programs and said second program (see Dutta et al., ¶ 59), receives, from said first computer, a first request for executing said one or more first programs (see Dutta et al., ¶ 57), determines whether or not said one or more first programs correspond to said second program on the basis of said association (see Dutta et al., ¶ 59), sends a second request to said plurality of devices when said one or more first programs correspond to said second program (see Dutta et al., ¶ 54), receives results of said second request from said plurality of devices (see Dutta et al., ¶ 60), and sends the results to said first computer in response to said first

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request (see Dutta et al., ¶ 64); wherein said plurality of devices receive said second request, execute said second program and send execution results as said results of said second request to said management computer without disclosure to the first computer of said plurality of devices or said second program (see Dutta et al., ¶ 60); and wherein the second program executed manages software resources of the plurality of devices, and the first program executed provides information about the resources of the plurality of devices to the first computer (see Dutta et al., ¶ 64). But fails to teach a program executed manages hardware resources of the plurality of devices. However, Schmidt teaches a program executed manages hardware resources of the plurality of devices (see Schmidt, col. 1, lines 56-61 and col. 4, line 53-col. 5, line 14). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Dutta et al. to a program executed manages hardware resources of the plurality of devices in order to allow clients to register for events without the need to specify the destination of the request for registration (see Schmidt, col. 2, lines 18-29).

8. As per claim 27, Dutta-Schmidt teach a computer system, further comprising: a second computer coupled to said management computer, said plurality of devices, and said first computer via the network, wherein: said second computer collects a plurality of location information related to locations where said one or more first programs or said second program are stored, stores said plurality of location information with both said one or more first programs and said second program, and generates said association information (see Dutta et al., ¶ 47).

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9. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. and Schmidt as applied to claims 26 and 27 above, and further in view of Abdelaziz et al. (2003/0041141).

10. As per claim 28, Dutta et al. and Schmidt teach the mentioned limitations of claims 26 and 27 above, but fail to teach a computer system, wherein said association information is a hierarchy information indicating whether said one or more first programs are of a higher level than said second program associated with said one or more first programs. However, Abdelaziz et al. teaches a computer system, wherein said association information is a hierarchy information indicating whether said one or more first programs are of a higher level than said second program associated with said one or more first programs (see Abdelaziz et al., ¶ 254-257). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Dutta et al. and Schmidt to a computer system, wherein said association information is a hierarchy information indicating whether said one or more first programs are of a higher level than said second program associated with said one or more first programs in order to provide information about the programming interface and functionality of the software modules independently of protocols and behaviors that may be used to implement the software modules (see Abdelaziz et al., ¶ 253).

11. As per claim 29, Dutta et al., Abdelaziz et al., and Schmidt teach the mentioned limitations of claims 26, 27, and 28 above, but Dutta et al. and Schmidt fail to teach a computer system, wherein said second computer determines which program of said first or second programs is of a higher level than its associated program on the basis of said

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hierarchy information, and sends, to said first computer, a location of the program which is a higher level than its associated program. However, Abdelaziz et al. teaches a computer system, wherein said second computer determines which program of said first or second programs is of a higher level than its associated program on the basis of said hierarchy information, and sends, to said first computer, a location of the program which is a higher level than its associated program (see Abdelaziz et al., ¶ 116). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Dutta et al. and Schmidt to a computer system, wherein said second computer determines which program of said first or second programs is of a higher level than its associated program on the basis of said hierarchy information, and sends, to said first computer, a location of the program which is a higher level than its associated program in order to provide information about the programming interface and functionality of the software modules independently of protocols and behaviors that may be used to implement the software modules (see Abdelaziz et al., ¶ 253).


12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al., Schmidt, and Abdelaziz et al. Dutta et al., Schmidt, and Abdelaziz et al. teach a computer system, wherein said one or more first programs and said associated second program are executed as programs related to a common function (see Dutta et al., ¶ 43).

13. Claims 31-33 have similar limitations as to claims 26-30 above; therefore, they are being rejected under the same rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571) 272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER